

REMARKS

In response to the request for information, it is confirmed that the named inventors of record in this case are, in fact, correct.

With respect to the double patenting rejection, it is understood that it is provisional and that no terminal disclaimer is required at this time.

With respect to the objection under Section 112, in order for the steps to be essential, they have to be acknowledged as essential by the applicant in the specification. There is no basis to believe this is the case and none is pointed out in the office action. Thus, the objection that essential elements are left out should be reconsidered. See cited section M.P.E.P. 2172.01 which indicates that a claim that omits matter “disclosed to be essential to the invention as described in the specification or other statements of record” may be rejected.

With respect to the rejection based on Parry, it is respectfully submitted that Parry does not teach writing a dirty cache line to a disk drive “prior to the disk driver loading.” The office action suggests that it does so prior to “reloading,” but at the time of writing the disk lines in Parry, the disk driver is loaded. Moreover, there is no monitoring for a disk driver request prior to disk driver loading.

Finally, the rejection fails to make out a *prima facie* rejection since it is a rejection based on a single reference under Section 103. No rationale to modify the reference is set forth, nor is it believed to be possible that the reference could teach a rationale to modify itself. For this additional reason, a *prima facie* rejection is not made out.

Moreover, it is impossible to respond to the rejection of the dependent claims because nothing is pointed out to substantiate the rejection. The argument that the claims are considered to merely cite what is considered implicit is noted, but there is no basis for such a rejection. If the rejection is based on inherency, this must be stated and the basis for the asserted inherency must be set forth. There is nothing implicit in Parry and there is nothing in Parry that sets forth any of these elements or any reason to believe that any of these elements have any correspondence in Parry. In short, Parry is of highly questionable relevancy, if any, to any of the recited claims.

Reconsideration would be appropriate.

Respectfully submitted,

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